

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

BRAYON WILLIAMS,

Plaintiff,

v.

STEPHEN WELBY,

Defendants.

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Case No. 2:24-cv-00105-JSD

MEMORANDUM AND ORDER

This closed case is before the Court upon multiple filings from self-represented Plaintiff Brayon Williams. ECF Nos. 4-6. On December 17, 2024, the Court ordered Plaintiff to either pay the full filing fee or file a motion to proceed *in forma pauperis* on a Court-provided form, and to properly sign his complaint and resubmit it to the Court. ECF No. 2. When Plaintiff failed to file anything in response to that Order by the deadline, the Court dismissed this case on January 15, 2025. ECF No. 3. Now Plaintiff has filed a Motion to Object to Dismissal, construed as a motion to reconsider dismissal and reopen the case, arguing that this case should not have been dismissed because “the state of Missouri Supreme Court Rule 67 supports no such action.” ECF No. 6. As for the need to pay the filing fee or file a motion to proceed without prepayment, Plaintiff states that the “legislature [has] no such authority to create or allow such a fee, as does neither the Judiciary.” *Id.* Plaintiff included with his motion to reconsider, an unsigned amended complaint (ECF No. 4) and a “Motion to proceed in forma pauperis and affidavit declaring I am poor” (ECF No. 5), that is both unsigned and not on a Court-provided form.

The Court finds that it would be futile to reopen this case because there are no operative pleadings before the Court. The Court struck Plaintiff’s unsigned complaint before dismissing the

case. *See* ECF No. 3. Plaintiff's proposed amended complaint and motion to proceed without prepayment are defective as unsigned documents. As the Court informed Plaintiff in its December 2024 Order, he is required to "physically sign[]" his pleadings under the Local Rules of this Court. *See* ECF No. 2 (quoting E.D. Mo. L.R. 2.11). Despite this warning, Plaintiff continues to file documents with the Court containing the typed signature of "WILBJ brayon williams" or "WILBJ *Brayon Williams*." *See* ECF Nos. 4 at 6; 5 at 1; 6 at 1. According to Plaintiff, "WILBJ" is his "prose signature assigned to [him] by the supreme court of missouri in 2020." ECF No. 4-1 at 1. Regardless, this is not a Missouri state court, and the Local Rules of this Court require a physical signature. Plaintiff has received multiple warnings, in multiple cases, about the need to sign his pleadings. The amended complaint that Plaintiff filed with his motion to reconsider (ECF No. 4) will be stricken from the record for being unsigned.

Therefore, even if the Court reopened this case, there are no pleadings for the Court to consider because no signed complaint has been filed. Also, Plaintiff has neither paid the full filing fee nor filed a signed motion to proceed *in forma pauperis* on a Court-provided form. As such, Plaintiff's motion to reconsider will be denied. *See also Baptist Health v. Smith*, 477 F.3d 540, 544 (8th Cir. 2007) (stating that "there is no absolute right to amend" and that a court may deny a motion to amend for multiple reasons including a finding of futility) (citing *Doe v. Cassel*, 403 F.3d 986 (8th Cir. 2005)); *Humphreys v. Roche Biomedical Laboratories, Inc.*, 990 F.2d 1078, 1082 (8th Cir. 1993) (following dismissal, the right to amend a complaint under Fed. R. Civ. P. 15(a) terminates); E.D. Mo. L.R. 2.01(B)(1) ("The Clerk may refuse to receive and file any pleading or document in any case until the applicable statutory fee is paid, except in cases accompanied by a completed application to proceed in forma pauperis.").

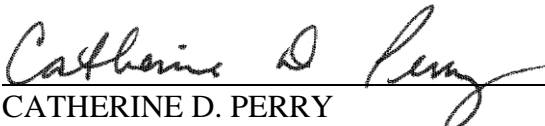
Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Object to Dismissal of Complaint and Amend Complaint (ECF No. 6) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's unsigned Amended Complaint (ECF No. 4) is **STRICKEN from the record**. *See* Fed. R. Civ. P. 11(a).

IT IS FINALLY ORDERED that Plaintiff's Motion to Proceed *in Forma Pauperis* (ECF No. 5) is **DENIED as moot**.

Dated this 4th day of February, 2025.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE